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Memorandum

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From AD - Budg, Planning & Hum Res
Title Merit System Principles and Prohibited Personnel Practices

All employees should be aware of the Merit System Principles and Prohibited Personnel Practices. This document is meant to familiarize employees with each of these very important aspects of Federal human resources management.

What are the Merit System Principles?

There are nine Merit System Principles which are written into law and can be found in Section 2301(b) of Title 5, U.S.C. They are:

1. Recruit, select, and advance based on merit after fair and open competition.
2. Treat all employees and applicants for employment fairly and equitably.
3. Provide equal pay for work of equal value and reward excellence in performance.
4. Maintain high standards of integrity, conduct, and concern for the public interest.
5. Manage employees efficiently and effectively.
6. Retain, correct, or separate employees on the basis of performance.
7. Educate and train employees to improve organizational and individual performance.
8. Protect employees against arbitrary action, personal favoritism, or coercion for partisan political purposes, and prohibit employees from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.
9. Protect employees against reprisal for the lawful disclosure of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

These Merit System Principles provide guidance for how human resources should be managed. They are the expected outcomes of good management. The Principles are also the fundamental undergirding of the entire Federal Human Resources Management system. They can also be described as the core values that should be expressed in every human resources decision made.

What are the Prohibited Personnel Practices?

There are 12 Prohibited Personnel Practices that can be found in Section 2302 (b) of Title 5,

U.S.C. These prohibited practices include:

Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority:

1. Discriminate for or against any employee or applicant for employment.
2. Solicit or consider improper information in conjunction with a personnel action.
3. Coerce the political activity of any person or take any action against any employee or applicant for employment as a reprisal for the refusal to engage in such political activity.
4. Deceive or willfully obstruct any person with respect to such person's right to compete for employment.
5. Influence any person to withdraw from competition for any position.
6. Grant preference or advantage to any employee or applicant for employment.
7. Appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement a relative.
8. Take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of any disclosure of information regarding a violation of any law, rule, or regulation, or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
9. Take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment for filing an appeal or grievance or testifying for a person filing an appeal or grievance.
10. Discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others.
11. Knowingly take, recommend, or approve any personnel action if the taking of such action would violate merit system principles.
12. Take or fail to take any personnel action that violates veterans' preference.

The Prohibited Personnel Practices are those actions that should never occur. These are the results or outcomes of poor management practices. However, Prohibited Personnel Practices can and often do occur unintentionally. They can happen when decisions are made without exploring all the possible avenues that can be used to solve a human resources-related problem or address a concern. Unfortunately, ignorance and good intentions are no excuse for acting against the law.

Why are these Merit System Principles and Prohibited Personnel Practices so important?

Merit System Principles are the public's expectations of a system that is efficient, effective, fair, open to all, free from political interference, and staffed by honest, competent, and dedicated employees. As the Federal government experiences continued change in the management of human resources (centralization, deregulation, delegation, etc.), it becomes increasingly important that line supervisors and managers incorporate Merit System Principles into every decision process they use.

Additionally, there has been a significant reduction in the number of human resources professionals. Most agencies are operating with a smaller number of human resources professionals that provide assistance to Federal employees. The result is that managers and

supervisors have been given more authority to make personnel decisions, but have fewer resources upon which to draw for advice and guidance. These individuals are held accountable for the human resources-related decisions they make, and a thorough understanding of how the Merit System works is necessary.

If you have additional questions about the Merit System Principles or Prohibited Personnel Practices, contact your servicing Human Resources Office.

Our mission is, working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.